

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CWP No. 7950 of 2020 (O&M)

Date of Decision : 14.12.2020

Himmat Khan

...Petitioner

Versus

State of Haryana and Others

...Respondents

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana
for respondents No. 1 and 2.

Mr. Rajvir Singh Sihag, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

CM-5169-CWP-2020

Application is allowed, as prayed for.

CWP-7950-2020

The present petition has been filed with a prayer that the order dated 25.11.2019 (Annexure P-5) passed in favour of the petitioner, whereby, the appeal against the order dated 07.05.2018 (Annexure P-4) imposing the punishment of dismissal from service upon the petitioner, has been allowed but the same is not being implemented and the petitioner is

not being reinstated in service.

Upon notice of motion, respondent No. 3 has filed the reply, wherein, it has been stated that against the order dated 25.11.2019 (Annexure P-5), the implementation which is being sought in the present petition, a Revision Petition No. 54 of 2020 has already been filed keeping in view the provisions of Section 115 of the Haryana Cooperative Societies Act, 1984.

Learned counsel for respondent No. 3 submits that the said revision petition alongwith an application for stay is pending before respondent No. 1 and therefore, during the pendency of the said revision petition and stay application, the order dated 25.11.2019 (Annexure P-5) cannot be implemented.

Learned counsel for the petitioner as well as respondent No. 3 agrees that they will be satisfied, at this stage, in case a direction is issued to respondent No. 1, where the revision petition filed by respondent No. 3, challenging the order dated 25.11.2019 (Annexure P-5), is pending, to decide the same within a time bound manner.

Learned counsel for respondent No. 3 submits that whatever the decision in the revision petition is, the same will be implemented qua the petitioner in case, he is found entitled for any relief, within a period of two months of the decision of the said revision petition.

Learned counsel appearing on behalf of respondent No. 1 submits that he has no objection in case a direction is issued to respondent No. 1 to decide the revision petition in a time bound manner by passing an appropriate speaking order.

Keeping in view the above, without going into the merits of the

claim of the parties at this stage, a direction is issued to respondent No. 1 to decide the revision petition filed by respondent No. 3, already numbered as Revision Petition No. 54 of 2020, within a period of three months from today. It is further directed that in case, after the decision of the said revision petition, the petitioner is found entitled for any relief, the same be also extended to him within a period of one months thereafter by respondent No. 3. It is made clear that this order is subject to any legal remedy available to respondent No. 3, in case they are aggrieved in any manner against the order passed in the revision petition, which is to be passed in pursuance to the direction issued in the present petition.

December 14, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No